

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

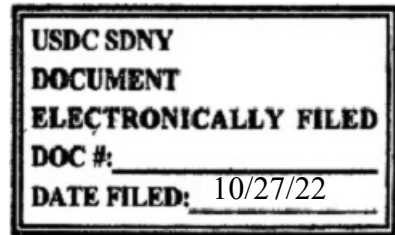
JUVENCIO VIDAL PEREZ,

Plaintiff,

-against-

SOPHIE'S CUBAN CUISINE INC., et al.,

Defendants.



22-CV-1533 (GHW) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during today's conference, it is hereby ORDERED that:

1. Amendment. No later than **November 10, 2022**, plaintiff shall file his Second Amended Complaint. No later than **November 23, 2022**, defendants shall inform plaintiff and the Court, by letter, whether they intend to answer or move against the Second Amended Complaint. No later than **December 1, 2022**, defendants shall file their answer or motion.

2. Plaintiff's Discovery Responses. No later than **November 3, 2022**, plaintiff shall serve defendants with his amended responses to defendants' pending written discovery requests.

3. Defendant's Discovery Responses. During the conference, the Court provided guidance concerning the appropriate scope of written discovery by plaintiff at this stage of the case (that is, prior to the filing of the Second Amended Complaint, the resolution of any pleading challenges, or the determination of any class or collective certification motion). The parties shall promptly meet and confer in order to apply that guidance to plaintiff's pending written discovery requests, after which defendants shall promptly produce the documents and information to which plaintiff is entitled.

4. Sampling. In addition to providing general guidance, the Court authorized plaintiff to conduct limited "sampling" discovery, on an anonymized basis, consisting of **one** month of time and pay records (within the six-year NYLL statute of limitations) for up to **eight** non-exempt employees, including up to **two** employees selected from each of the **four** "Sophie's"

locations at issue in this action. No later than **November 3, 2022**, defendants shall provide plaintiff, in writing, with the information required to select the desired records, *e.g.*, a listing of the types or categories of non-exempt workers (dishwasher, cashier, delivery driver, etc.) employed at each "Sophie's" location during the relevant period. No later than **November 4, 2022**, plaintiff shall inform defendants, in writing, which sample records he has selected. No later than **November 17, 2022**, defendants shall produce the requested records, from which the on-party workers' names, addresses, and social security numbers shall be redacted.

Dated: New York, New York
October 27, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge